

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JAVIER LAVAYEN,

Defendant.

No. 14-cr-774 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The parties have reserved December 3, 2020 and December 4, 2020 at 9:00 a.m. for a conference on Defendant's pending violations of supervised release. (Doc. No. 53.) Unfortunately, due to the large volume of remote proceedings during the COVID-19 pandemic, Essex County Correctional Facility cannot accommodate a conference at 9:00 a.m. on either date. Accordingly, IT IS HEREBY ORDERED THAT the conference will instead take place at 3:00 p.m. on December 3, 2020. The Court will email the parties directly with instructions for accessing the CourtCall proceeding. Members of the public may monitor the proceedings through CourtCall's public access audio line by using the following credentials:

Dial-in:	855-268-7844
Access code:	32091812#
PIN:	9921299#

If possible, defense counsel shall discuss the attached Waiver of Right to be Present at Criminal Proceedings with Defendant prior to the conference. If Defendant consents, and is able to sign the form (either personally, or, in accordance with Standing Order M10-468, 20-mc-174 (CM) (S.D.N.Y. Mar. 27, 2020), by defense counsel), defense counsel shall provide the Court with the executed form at least 24 hours prior to the proceeding. In the event that Defendant consents,

but counsel is unable to obtain or affix Defendant's signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add Defendant's signature to the form.

SO ORDERED.

Dated: November 24, 2020
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-v-

JAVIER LAVAYEN,
Defendant.

-----X

**WAIVER OF RIGHT TO BE PRESENT AT
CRIMINAL PROCEEDING**

14-CR-774 (RJS)

Check Proceeding that Applies

____ Supervised Release Conference

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time the conditions of my release on supervision or my remand to custody are discussed. I have discussed these rights with my attorney and wish to give up these rights for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney and I be permitted to participate by telephone, or if it is reasonably available by videoconferencing, in any conference with the court at which such conditions or my remand are discussed.

Date: _____
Signature of Defendant

Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the specifications of violation of supervised release, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held without my client being physically present in court.

Date: _____
Signature of Defense Counsel

Print Name

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:
_____.

Date: _____
Signature of Defense Counsel

Accepted: _____
Signature of Judge
Date: